

By: Miller

H.B. No. 2316

A BILL TO BE ENTITLED

1 AN ACT

2 relating to member restrictions for commissioners of the Texas
3 Workforce Commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 301.003, Labor Code, is amended to read
6 as follows:

7 Sec. 301.003. MEMBER RESTRICTIONS.

8 (a) In this section~~[7]~~:

9 (1) "Business" does not mean personal investment in
10 real property, financial instruments or tangible assets, or the
11 provision of personal services, other than workforce services in
12 the state of Texas, as an independent contractor.

13 (2) "Texas trade association" means a cooperative and
14 voluntarily joined statewide association of business or
15 professional competitors in this state designed to assist its
16 members and its industry or profession in dealing with mutual
17 business or professional problems and in promoting their common
18 interest.

19 (b) A member of the commission or the member's spouse may
20 not ~~[engage in]~~ be employed by any [other] business~~[, vocation]~~ or
21 ~~[employment]~~ other organization receiving money from the
22 commission during the member's term on the commission.

23 (c) A person may not be a member of the commission or an
24 employee of the commission employed in a "bona fide executive,

1 administrative, or professional capacity," as that phrase is used
2 for purposes of establishing an exemption to the overtime
3 provisions of the federal Fair Labor Standards Act of 1938 (29
4 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

5 (1) the person is an officer, employee, or paid
6 consultant of a Texas trade association in the field of labor,
7 business, workforce development, child care, or career schools and
8 colleges; or

9 (2) the person's spouse is an officer, manager, or paid
10 consultant of a Texas trade association in the field of labor,
11 business, workforce development, child care, or career schools and
12 colleges.

13 (d) A person may not serve as a member of the commission if
14 the person or the person's spouse:

15 (1) is employed by or participates in the management
16 of a career school or college or a business entity or other
17 organization receiving money from the commission;

18 (2) owns or controls, directly or indirectly, more
19 than a 10 percent interest in a career school or college or a
20 business entity or other organization receiving money from the
21 commission; or

22 (3) is registered, certified, licensed, permitted, or
23 otherwise authorized by the Commission. For purposes of this
24 section, registered, certified, licensed, permitted or otherwise
25 authorized by the Commission does not include the following:

26 (A) the Commission's role under Subtitle A of
27 this title; and

1 (B) employment of domestic service workers under
2 Section 201.027 of this title.

3 (e) If a member of the commission or the member's spouse is
4 engaged in any other employment, the member of the commission shall
5 refrain from voting on or participating in any commission decision
6 that involves the other employment.

7 SECTION 2. EFFECTIVE DATE. This Act takes effect
8 immediately if it receives a vote of two-thirds of all the members
9 elected to each house, as provided by Section 39, Article III, Texas
10 Constitution. If this Act does not receive the vote necessary for
11 immediate effect, this Act takes effect September 1, 2005.